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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,666	10/04/2004	David Bennett	1999-0447CON	5591

7590 05/03/2007  
Mr. S.H. Dworetsky  
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PO Box 4110  
Middletown, NJ 07748

EXAMINER
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TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/772,666

Applicant(s)

BENNETT ET AL.

Examiner

Tuan A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-5, 9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by van Bokhorst et al. (6,192,230).

Regarding claims 1 and 14, van Bokhorst discloses a mobile communication point for use in a mobile radio network comprising a plurality of communication points, each capable of communicating with other communication points (See fig. 8), the communication point comprising a transceiver for sending and receiving signals from the other communication points (See fig. 9) and means to switch that communication point between a high power mode in which it is able to transmit or receive signals and a low power mode defined as sleep mode wherein it is unable to transmit or receive signals, the communication point (master) being controlled to come out of the sleep state periodically and broadcast a packet of data (PSYNC) containing its unique identity (See col. 7 line 66 to col. 8 line 4), each communication point (slaves) of the plurality of communication points broadcasting its unique identity (PTIM) (See col. 8 lines 60-63)

during random time intervals (in case the slaves want to transmit one or more data messages) (See fig. 12 and col. 9 lines 28-64).

Regarding claim 3, van Bokhorst discloses as cited in claim 1. van Bokhorst further discloses the communication point (master) waits for a short period (controlled by PSYNC timer) after broadcast to detect whether any other communication point is attempting to transmit back to it before returning to sleep state (See col. 9 lines 28-32).

Regarding claim 4, van Bokhorst discloses as cited in claim 3. van Bokhorst further discloses the communication point remains able to transmit or receive for a longer period (controlled by holdover timer) if it receives a response addressed to it during the receive period (See col. 9 lines 28-64).

Regarding claims 5 and 9, van Bokhorst discloses as cited in claim 1. van Bokhorst further discloses that the communication point includes means responsive to an external input to cause switching means to switch the communication point from low power mode to high power mode {since the communication point can operate either in high power mode (active mode) and low power mode (sleep mode), the communication point inherently includes external input (i.e. selector button) in order to allow the user to select operational mode} (See col. 7 lines 50-55).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Bokhorst et al. (6,192,230) in view of Rotzoll (5,790,946).

Regarding claim 6-8, van Bokhorst discloses as cited in claim 5. However, van Bokhorst does not mention that means responsive to an external input comprises a low power RF detection circuit or an ultrasonic detector or infrared detector. Rotzoll discloses a low power RF detection circuit 20 responsive to a radio transmission (See fig. 1 and col. 2 line 36 to col. 3 line 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the RF detection circuit as disclosed by Rotzoll into the mobile communication point as disclosed by van Bokhorst for the advantage of preventing the communication point to loose incoming data by enabling the communication point to wake-up to receive incoming data. Also, since ultrasonic and infrared detectors are well known in the art, therefore it would be obvious to use such detectors as wake-up devices in order to expand the capability of the mobile communication point.

3. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Bokhorst et al. (6,192,230) in view of O'Dea et al. (5,511,232).

Regarding to claim 10, van Bokhorst discloses as cited in claim 1. However, van Bokhorst does not mention that a data means for storing data identifying the communication point and data identifying communication points that have been interacted recently, and wherein the communication point determines whether data

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about a second communication point is stored in its data storage means upon receipt of a transmission from the second communication point. O'dea teaches a method for providing autonomous radio talk group configuration wherein each of mobile radio transceiver has a data means for storing data identifying the mobile radio transceiver and data identifying other mobile radio transceivers that have been interacted recently (See figs. 1, 2, 5 and col. 4 lines 8-67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the O'Dea's teachings in modifying the communication point as disclosed by van Bokhorst for the advantage of allowing the user to know who is calling and whom to be called. Since O'dea discloses autonomous radio talk group, therefore it is necessary to establish a capability of determining whether data about a second communication point is stored in its data storage means upon receipt of a transmission from the second communication point in order to identify whether the caller belonged to the talk group.

Regarding claim 11, van Bokhorst & O'Dea disclose as cited in claim 10. van Bokhorst further discloses that the communication point is responsive to a transmission from the second communication point to send interrogation signals to the second communication point (See col. 9 lines 51-64).

Regarding claim 12, van Bokhorst & O'Dea discloses as cited in claim 10. van Bokhorst further discloses the communication can remain active at all times (the active mode selected by the user) (See col. 7 lines 50-55).

***Allowable Subject Matter***

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4. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 13, van Bokhorst & O'Dea disclose as cited in claim 10.

However, they fail to mention that the first communication point is responsive to a request from the second communication point to transmit data about a third communication point from its storage means to the second communication point.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tuan Tran  
AU 2618